

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BANK OF AMERICA, N.A.,

Plaintiff,

v.

SARAH L. ALLEY, *et al.*,

Defendants.

Case No. 2:11-CV-00881

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Norah M. King

ORDER

The parties have represented to the Court that, based on the current state of proceedings, the Mediation Conference set for September 11, 2013 is unlikely to be productive. At the same time, the parties have indicated that—once Plaintiff receives remaining financial documentation from Defendant—they are willing to consider a proposed loan modification. (*See* ECF No. 66.) The parties have each filed dispositive motions in this case that are now ripe for review. (ECF Nos. 33, 56, 57.) Given these circumstances, and to afford the parties a limited time to explore the potential for a loan modification, the Court orders as follows:

- The September 11, 2013 Mediation Conference is **VACATED**. The Clerk is **DIRECTED** to advise the assigned mediator.
- The parties are **DIRECTED** to file a **JOINT STATUS REPORT** briefly discussing what, if any, progress has occurred regarding a loan modification on **TUESDAY OCTOBER 4, 2013**.¹
- For administrative purposes, Plaintiff's Motion to Dismiss Defendant's Amended Counterclaim (ECF No. 33) is **DENIED** without prejudice. Plaintiff incorporates its Motion to Dismiss the Amended Counterclaim

¹ If at that time it is clear that a ruling on the dispositive motions is necessary, the Court will endeavor to address such motions as soon as feasible.

within its pending Motion for Summary Judgment (ECF No. 56). The Court will reach the merits of the Motion to Dismiss—without any need for further briefing—when it addresses the Motion for Summary Judgment.

IT IS SO ORDERED.

8-1-2013
DATE

EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE